

DESCRIPTOR TERM: Title I Complaint Procedures	CODE: 7801
ADOPTION DATE: October 16, 1992	REVISION: June 18, 1999 January 20, 2012

STATE BOARD POLICY

Guidelines

When a complaint cannot be resolved at the LEA level, the complaint must be submitted in writing to the Mississippi Department of Education, Office of Federal Programs. Persons issuing verbal complaints will be asked to complete a written complaint form prior to any official investigation, or assisted with the completion of the complaint form.

The complaint must include the name and address of the person submitting the complaint and a description of the complaint. The complaint must also include a statement which assures that to the best of the complainant's knowledge, the agency has violated a requirement of a federal statute or regulation that applies to an applicable program. In addition, the facts on which the statement is based and the specific requirement allegedly violated must be included.

Complaints should be sent to the Bureau Director, Office of Federal Programs. . The mailing address is: Mississippi Department of Education, Office of Federal Programs, Suite 111 Central High School, Post Office Box 771, Jackson, Mississippi 39205-0771. The office may also be contacted via telephone at (601) 359-3499.

http://www.mde.k12.ms.us/innovative_support/index.html

A. Procedure for Complaints

- a. In the first level of review, a complaint shall be answered by the Bureau Director, with assistance from staff.
- b. The Bureau Director shall determine whether additional information is necessary, if so appropriate program staff will notify the agency involved, and conduct an on-site review investigating the complaint.
- c. The Bureau Director shall determine whether additional information is necessary. If there are serious violations, verified after the on-site review, then the information gathered will be forwarded to other appropriate offices or organizations.
- d. Once the investigation has been completed, the Office of Federal Programs will issue a letter stating the findings of facts. The letter stating the findings of fact shall be mailed no later than 60 calendar days from the date the Office of Federal

Programs receives the complaint in writing.

- e. If areas of noncompliance are found, corrective action will be required and timelines for completion indicated. All parties will be informed of the areas of noncompliance and the required corrective actions.
- f. The Office of Federal Programs may extend the 60-day timeline, if exceptional circumstances exist. Examples of exceptional circumstances may be, but not limited to:
 - The complexity of the issues;
 - The need for additional information; and/or
 - The unavailability of any of the necessary parties.

B. Appeals

- a. An individual may appeal an administrative determination of the Bureau Director. The individual must submit the appeal in writing to the address above. The appeal must be postmarked no later than 25 calendar days after the date the Bureau Director's determination is made.
- b. A final decision on the complaint shall be made after consulting with the State Superintendent of Education or designee.
- c. The State Superintendent of Education shall provide written notification to the individual who submitted the complaint about the disposition of the complaint no later than 30 days after final action.
- d. The complainant has the right to request the U.S. Secretary of Education to review the decision of the Mississippi State Department of Education. This review is at the U.S. Secretary's discretion.
- e. In matters involving violations of section 9503 (participation of private school children), the complainant has the right to request the U.S. Secretary of Education to review the decision of the Mississippi State Department of Education. The U.S. Secretary will follow the procedures in section 9501(b). For additional information on complaint procedures for participation of private school children, visit: <http://www.ed.gov/policy/elsec/leg/esea02/pg111.html#sec9503>.

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The complaint procedure and appeal procedure of the Mississippi State Department of Education for Title IV Improving America's School Act (IASA), 1994 as described below.

The Mississippi State Department of Education will accept complaints from any organization or individual regarding a program administered in Mississippi by a local school district, the Mississippi State Department of Education or other entities eligible to receive funds IASA, as amended.

The complaint must be a signed, written statement citing an alleged violation of the IASA law, the regulations governing the law, or other applicable State or Federal laws or regulations. The complaint must describe the alleged violation and include the facts and circumstances on which the statement of alleged violation is based.

Complaints should be sent to the Director of Innovative Support, Mississippi Department of Education, P.O. Box 771, Jackson, Mississippi 39205-0771.

Procedure for Complaints

Within sixty calendar days of receipt of a complaint regarding an IASA program operated by a local school district or other eligible entity, the Mississippi Department of Education will:

1. Notify the complainant of receipt of complaint.
2. Notify the local school district or other entity of receipt of the complaint and the nature of the alleged violation.
3. Assign a Mississippi Department of Education Chapter 1 staff member to review the facts and circumstances of the complaint.
4. Conduct a monitoring visit if the State staff determines that it is necessary.
5. Determine if a violation of law or regulations has occurred.
6. If it is determined that a violation has occurred, the local school district or other entity will be required to take appropriate corrective action.
7. Notify all parties of the results of the review and actions taken. Programmatic

~~concerns will be examined and resolved or negotiated.~~

~~8. If it is determined that no violation has occurred, all parties will be notified that the program is administered according to applicable state and federal law and regulations.~~

~~Following an investigation and determination by the State Department of Education IASA program staff, either party may appeal to the State Superintendent of Education, Mississippi State Department of Education. The Superintendent, or his/her representative, will review the investigation and findings, interview parties involved in the complaint, and make a final determination of compliance. After the final determination, either party may request a review by the United States Secretary of Education.~~

~~If the complaint alleges that the Mississippi State Department of Education, IASA has violated applicable law or regulation, the complaint will be referred directly to the State Superintendent of Education for review and investigation. Within sixty days, the Superintendent will assign the review to a unit or section not involved in the administration of Title 1. This unit or section will follow the procedural steps outlined above.~~

~~If the Mississippi State Department of Education cannot investigate and resolve a complaint within sixty days because of the complexity of the complaint, any exceptional circumstances involved in a particular complaint, or other unforeseen difficulties, the Mississippi State Department of Education will notify both the complainant and the local school district or eligible entity of the circumstances. An extension of time will be negotiated by the Mississippi State Department of Education with all parties involved.~~